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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,955	01/17/2002	Ruben D. Lupulescu	PD-201171	1785

7590

04/05/2006

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EXAMINER

WILDER, PETER C

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/051,955

Applicant(s)

LUPULESCU ET AL.

Examiner

Peter C. Wilder

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Note to Applicant***

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Page 7 first line of the detailed spec references invention 10 but no figure contains the reference number 10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities: Page 8 line 11 contains a reference to elements 52 as "encoders and encoders." The examiner believes according to Figure 1 one of the words "encoders" should be changed to "decoders."

Appropriate correction is required.

***Claim Objections***

Claim 1 is objected to because of the following informalities: Claim one starts out declaring a method and at the end of the preamble Page 15 line 5 a "system" is claimed. The word "system" should be changed to "method."

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7-10, 13, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2005/0028208 A1) in view of Ellis et al. (U.S. 6275268 B1).

Referring to claim 1, Ellis (208) teaches a method of displaying television event guide information on a user's wireless data communication device (Figure 2b element 24 and Figure 5) to allow the user to purchase television programs and access user purchasing records (¶¶[0131]), said system comprising the steps of:

(a) providing the user with a wireless data communication device (The examiner views it as inherent for the invention to be possible that someone would have to have a communication device provided to them; Also Figure 2b and Figure 5 teach a wireless data communication device so a wireless communication device is provided to a user);

(b) allowing said user to access a database stored on a server in a data communication network (¶¶[0072] teaches distributing program guide data to device 24 and ¶¶[0075] teaches distributing the data over a data network element 19 in Figure 2d; Figure 2d and ¶¶[0073] teaches element 25 a program guide server which would include a database), said database containing television event schedules and user records of previous user purchases (¶¶[0067] teaches event schedules and pay-per-view information);

(c) displaying on the user's wireless communication device selection options including an option to purchase said television events (¶¶[0131]);

(d) responsive to the user's selection of said option to purchase said television programs, displaying on the user's wireless communication device a listing of available said television events (¶¶[0130] teaches a user command/selection pay-per-view

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information being accessed and ¶[0131] then teaches displaying the information on element 52);

(f) allowing the user to purchase said available television events (¶[0131] teaches ordering the pay-per-view program).

Ellis (208) fails to teach an option to view the purchasing records; responsive to the user's selection of said option to view said user's television event purchase records, displaying user's television event purchasing records;

In an analogous art Ellis (268) teach displaying user's television event purchasing records (Column 20 lines 34-45); an option to view the purchasing records (Column 20 lines 34-37, and Figure 27); (e) responsive to the user's selection of said option to view said user's television event purchase records (Figure 27 teaches element 271 a billing status option), displaying user's television event purchasing records (Column 20 lines 34-45, and Figure 27 teaches displaying to the user their purchased event records).

At the time the invention was made it would have been obvious for one skilled in the art to modify the remote ordering of a pay-per-view program method of Ellis (208) with the displaying of pay-per-view purchase history method of Ellis (268) for the purpose of allowing the user to check to see if they are about to reach the limit of a pre-set spending limit to know

Referring claim 4, depending on claim 1, Ellis (208) teaches the method wherein said user's wireless communication's device is a PDA (Figure 5 and ¶[0092]).

Referring to claim 7, depending on claim 1, Ellis (268) teaches the method of wherein prior to step (c), receiving a user channel request, wherein said user requests television event schedule listings for a specific television channel (Column 17 lines 66-67 and Column 18 lines 1-2 and Figure 20 teach the ability to display the listings of a specific channel thus the user must requested the channels to be displayed this way).

At the time the invention was made it would have been obvious for one skilled in the art to modify the remote ordering of a pay-per-view program method/system of Ellis (208) with the requesting of a specific channel listings method/system of Ellis (268) for the purpose of allowing a user to browse a favorite channel.

Referring to claim 8, depending on claim 1, Ellis (268) teaches the method wherein prior to step (e) allowing the user to identify a user account to be charged with said purchase if said user has multiple accounts (Column 34 lines 3-10 teaches the user selecting and identifying a user account from a plurality of credit cards which are credit accounts; Column 36 lines 35-43 teaches pay-per-view events being purchased on screens 43a and 43b).

At the time the invention was made it would have been obvious for one skilled in the art to modify the remote ordering of a pay-per-view program method/system of Ellis (208) with the multiple payment options method/system of Ellis (268) for the purpose of allowing for a convenient way for a user to pay for a service.

Referring to claim 9, depending on claim 1, Ellis (208) teaches the method of further comprising the step of providing a call back message to the user's wireless data communication device prior to the start of the purchased event to remind the user that the purchased event is about to be aired (¶[0117] teaches being able to set up a reminder on the interactive television program guide equipment 17, ¶[0119] teaches the interactive television program guide sending a reminder e-mail to the remote access device 24).

Referring to claim 10, Ellis (208) teaches a system for displaying television event guide information on a user's wireless data communication device (Figure 2b element 24 and Figure 5) to allow the user to purchase television programs and access user purchasing records (¶[0131]), said system comprising:

- (a) said wireless device (Figure 2b and Figure 5 and ¶[0071]);
- (b) a database stored on a server in a data communication network (¶[0072] teaches distributing program guide data to device 24 and ¶[0075] teaches distributing the data over a data network element 19 in Figure 2d; Figure 2d and ¶[0073] teaches element 25 a program guide server which would include a database), said database containing television event schedules and user records of previous user purchases (¶[0067] teaches event schedules and pay-per-view information);



(c) means for displaying on the user's wireless communication device selection options including an option to purchase said television events (¶[0131]);

(d) responsive to the user's selection of said option to purchase said television programs, means for displaying on the user's wireless communication device a listing of available said television events (¶[0130] teaches a user command/selection pay-per-view information being accessed and ¶[0131] then teaches displaying the information on element 52);

(f) means for allowing the user to purchase said available television events (¶[0131] teaches ordering the pay-per-view program).

Ellis (208) fails to teach an option to view the purchasing records; responsive to the user's selection of said option to view said user's television event purchase records, means for displaying user's television event purchasing records;

In an analogous art Ellis (268) teach displaying user's television event purchasing records (Column 20 lines 34-45); an option view the purchasing records (Column 20 lines 34-37, and Figure 27); (e) responsive to the user's selection of said option to view said user's television event purchase records (Figure 27 teaches element 271 a billing status option), means for displaying user's television event purchasing records (Column 20 lines 34-45, and Figure 27 teaches displaying to the user their purchased event records).

At the time the invention was made it would have been obvious for one skilled in the art to modify the remote ordering of a pay-per-view program system of Ellis (208) with the displaying of pay-per-view purchase history system of Ellis (268) for the

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purpose of allowing the user to check to see if they are about to reach the limit of a pre-set spending limit to know

Referring to claim 13, depending on claim 10, see rejection of claim 4.

Referring to claim 17, depending on claim 10, see rejection of claim 7.

Referring to claim 18, depending on claim 10, see rejection of claim 8.

Referring to claim 19, depending on claim 10, see rejection of claim 9.

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2005/0028208 A1) in view of Ellis et al. (U.S. 6275268 B1) further in view of Jaff et al. (U.S. 2003/0005446 A1).

Referring to claim 2, depending on claim 1, Ellis (208) and Ellis (268) fail to teach wherein said user's wireless communication device is a cellular telephone.

In an analogous art Jaff teaches the user's wireless communication device is a cellular telephone ([0045]- [0047] teaches a cell phone receiving EPG data and

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displaying the EPG data and interacting wirelessly with his set-top-box to perform EPG like functions).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combine method/system of Ellis (208) and Ellis (268) with the use of a cell phone to display and perform EPG functions method/system of Jaff for the purpose of being able to retrieve data or schedule events (¶[0047], Jaff)

Referring to claim 11, depending on claim 10, see rejection of claim 2.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2005/0028208 A1) in view of Ellis et al. (U.S. 6275268 B1) further in view of Jaff et al. (U.S. 2003/0005446 A1) further in view of McKenna et al. (U.S. 6594498 B1) further in view of Schein et al (U.S. 6732369 B1) further in view of Newton's Telecom Dictionary 15<sup>th</sup> Edition.

Referring to claim 3, depending on claim 2, Ellis (208), Ellis (268), and Jaff fail to teach wherein said cellular telephone is WAP enabled and said television event guide information is stored on a website that is WAP formatted.

In an analogous art McKenna teaches wherein said cellular telephone is WAP enabled (Column 13 lines 24-35).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combine method/system of Ellis (208), Ellis (268), and Jaff using the WAP enabled cell-phones of McKenna for the purpose of delivering multimedia content such as graphics, text, and video (Column 2 lines 11-13, McKenna)

Ellis (208), Ellis (268), Jaff, and McKenna fail to teach said television event guide information is stored on a website that is WAP formatted.

In an analogous art Schein teaches television even guide information is WAP formatted (Column 5 lines 3-9 teaches retrieving the schedule and listing information from a website and Column 25 lines 20-26 teaches the listing information can be pay-per-view).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combine method/system of Ellis (208), Ellis (268), Jaff, and McKenna using retrieval of pay-per-view data from a website method/system of Schein for the purpose of allowing for a convenient way for a user to receive the information anywhere the user has an Internet connection.

Ellis (208), Ellis (268), Jaff, McKenna, and Schein fail to teach WAP enable websites.

In an analogous art Newton teaches WAP enable websites (Page 916 teaches the WAP protocol of allowing users to view shrunken Web pages so the website has to be WAP formatted).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combine method/system of Ellis (208), Ellis (268), Jaff, McKenna,

and Schein using WAP enable websites method/system of Newton for the purpose of allowing websites to be formatted to fit the screen of the phone (Nine lines down in WAP definition, Netwon).

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2005/0028208 A1) in view of Ellis et al. (U.S. 6275268 B1) further in view of Schein et al. (U.S. 6732369 B1).

Referring claim 5, depending on claim 1, Ellis (208) and Ellis (268) fail to teach wherein television events are Pay-Per-View movies and promotional events.

In an analogous art Schein teaches wherein television events are Pay-Per-View movies (Column 25 lines 22-26 teaches pay-per view programs can be a movie) and promotional events (Column 25 lines 22-26 teaches pay-per view programs can be a sports event which is a promotional event).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combine method/system of Ellis (208) and Ellis (268) with the movie and sport events as pay-per-view events of Schein for the purpose of allowing a person to see a movie or sport with out having to leave their house.

Referring to claim 14, depending on claim 10, see rejection of claim 5.

Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2005/0028208 A1) in view of Ellis et al. (U.S. 6275268 B1) further in view of Hesselink et al. (U.S. 6732158 B1).

Referring to claim 6, depending on claim 1, Ellis (208), Ellis (268) fail to teach the step of allowing the user to access a database further comprises the step of receiving a user access code and matching said access code with a database of existing subscriber access codes.

In an analogous art Hesselink teaches step of allowing the user to access a database further comprises the step of receiving a user access code and matching said access code with a database of existing subscriber access codes (Column 9 lines 36-39 teaches a database being used to store log-in names and passwords of users and verifying the user name when they want to connect).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combine method/system of Ellis (208) and Ellis (268) with the verification method/system of Hesselink for the purpose of providing a security system that prevents unwanted people from being able to access an individual users profile.

Referring to claim 16, depending on claim 10, see rejection of claim 6.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2005/0028208 A1) in view of Ellis et al. (U.S. 6275268 B1) further in view of McKenna et al. (U.S. 6594498 B1) further in view of Schein et al (U.S. 6732369 B1) further in view of Newton's Telecom Dictionary 15<sup>th</sup> Edition.

Referring to claim 12, depending on claim 10, Ellis (208) and Ellis (268) fail to teach wherein said cellular telephone is WAP enabled and said television event guide information is stored on a website that is WAP formatted.

In an analogous art McKenna teaches wherein said cellular telephone is WAP enabled (Column 13 lines 24-35).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combine method/system of Ellis (208) and Ellis (268) using the WAP enabled cell-phones of McKenna for the purpose of delivering multimedia content such as graphics, text, and video (Column 2 lines 11-13, McKenna)

Ellis (208), Ellis (268), and McKenna fail to teach said television event guide information is stored on a website that is WAP formatted.

In an analogous art Schein teaches television even guide information is WAP formatted (Column 5 lines 3-9 teaches retrieving the schedule and listing information from a website and Column 25 lines 20-26 teaches the listing information can be pay-per-view).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combine method/system of Ellis (208), Ellis (268), and McKenna

using retrieval of pay-per-view data from a website method/system of Schein for the purpose of allowing for a convenient way for a user to receive the information anywhere the user has an Internet connection.

Ellis (208), Ellis (268), McKenna, and Schein fail to teach WAP enable websites.

In an analogous art Newton teaches WAP enable websites (Page 916 teaches the WAP protocol of allowing users to view shrunken Web pages so the website has to be WAP formatted).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combine method/system of Ellis (208), Ellis (268), McKenna, and Schein using WAP enable websites method/system of Newton for the purpose of allowing websites to be formatted to fit the screen of the phone (Nine lines down in WAP definition, Netwon).

Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (U.S. 2005/0028208 A1) in view of Ellis et al. (U.S. 6275268 B1) further in view of Fopeano et al. (U.S. 2001/0039657 A1) further in view of Swartz et al. (U.S. 2002/0050526 A1).

Referring to claim 15, depending on claim 10, Ellis (208) and Ellis (268) fail to teach wherein said television event schedules and said user records of previous user purchases is only accessible via user identification means.



In an analogous art Fopeano teaches the television event schedules is only accessible via user identification means (§[0134]).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combine method/system of Ellis (208) and Ellis (268) with the user identification to see a program schedule method/system of Fopeano for the purpose of only allowing certain data to be exposed to an audience that has a certain characteristic such as an age between thirteen and age 15 (§[0133], Fopeano).

Ellis (208), Ellis (268), and Fopeano fail to teach user records of previous user purchases is only accessible via user identification means.

In an analogous art Swartz teaches user records of previous user purchases is only accessible via user identification means (§[0134] teaches a password protected webpage with a customers prior purchase records).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combine method/system of Ellis (208), Ellis (268), and Fopeano with the user identification to see prior purchase records method/system of Swartz for the purpose of protecting a customer's privacy.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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